



Entered on Docket  
November 01, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

Robert M. Charles, Jr. (NV 6593)  
John Hinderaker (AZ 018024)  
Marvin Ruth (NV 10979)  
3993 Howard Hughes Parkway, Ste. 600  
Las Vegas, Nevada 89169-5996  
Telephone (702) 949-8320  
Facsimile (702) 949-8321  
Email: [rcharles@lrlaw.com](mailto:rcharles@lrlaw.com)  
[jhinderaker@lrlaw.com](mailto:jhinderaker@lrlaw.com)  
[mruth@lrlaw.com](mailto:mruth@lrlaw.com)

*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

**USA COMMERCIAL MORTGAGE  
COMPANY,**

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Fourteenth Omnibus  
Objection Of USACM Trust To Duplicate  
Proofs Of Claim**

Hearing Date: October 18, 2011  
Hearing Time: 1:30 p.m.

The Court having considered the "Fourteenth Omnibus Objection Of USACM Trust To Duplicate Proofs Of Claim [DE 9066] (the Objection) at the hearing held on October 18, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; and good cause appearing it is:

**IT IS ORDERED** that:

1. The Objection [DE 9066] is sustained;

1           2.     **Exhibit A**, attached, lists Proofs of Claims that appear to be duplicates of  
2 other proofs of claims that were filed by the same creditors in the USACM bankruptcy  
3 estate;

4           3.     **Exhibit A** identifies the claimant, the claimant's address, the claim number,  
5 the amount of the duplicate claim, the basis for the objections, the claim number that the  
6 USACM Trust counted as a valid claim and processed accordingly; and,

7           4.     The duplicate Proofs of Claims listed on **Exhibit A** are disallowed in their  
8 entirety.

9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**

11  
12 By /s/ John Hinderaker (AZ #018024)

13 Robert M. Charles, Jr.

14 John Hinderaker (*pro hac vice*)

15 3993 Howard Hughes Parkway, Ste. 600

16 Las Vegas, Nevada 89169-5996

17 Telephone: (702) 949-8320

18 Facsimile: (702) 949-8321

19 *Attorneys for USACM Liquidating Trust*

## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

\_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

\_\_\_\_\_ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: \_\_\_\_\_

\_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:  
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)  
Attorneys for USACM Liquidating Trust

# # #

Proof of Claim Being Disallowed as Duplicate	Claimant's Name and Address	Duplicate Claim Amount	Basis for Objection	Processed Claim Number <sup>1</sup>	Processed Claim Amount <sup>1</sup>
10725-02237-2	Guptail, Priscilla M 21675 Obsidian Ave. Bend, OR 97702	25,000.00	Claim 10725-02237-2 is based on an investment in Placer Vineyards 2nd and is a duplicate of claim 10725-02237. The claim was erroneously filed twice.. Claim 10725-02237 was included in a motion to allow claims based on the Placer Vineyards 2nd loan.	10725-02237	25,000.00
10725-02295-2	Donald & Beverly W Swezey 2001 Trust 2/20/01 Donald & Beverly W Swezey Ttee 3666 Cherokee Dr Carson City, NV 89705-6813	50,000.00	Claim 10725-02295-2 is based on an investment in Gramercy Court and is a duplicate of claim 10725-02295. The claim was erroneously filed twice. Claim 10725-02295 was included in the objection to claims based on the Gramercy Court loan.	10725-02295	50,000.00
10725-02437-2	Pinsker, Donald H 8650 W Verde Way Las Vegas, NV 89149-4145	28,688.95	Claim 10725-02437-2 is based on an investment in aOak Shores II and is a duplicate of claim 10725-02437. The claim was erroneously filed twice. Claim 10725-02437 was allowed due to being matched to an allowed claim listed on the debtor's third amended schedule F-1.	10725-02437	28,688.95
10725-02464-2	Labossiere Family Trust Dated 3/10/1987 Gerald A Labossiere & Lucille Labossiere Ttees 635 Jessica Drive Mequite, NV 89027	1,500.00	Claim 10725-02464-2 is based on an investment in the FTDF and is a duplicate of claim 10725-02464. The claim was erroneously filed twice. Claim 10725-02464 was disallowed per objection to claims filed in the wrong debtor case.	10725-02464	1,500.00
10725-02476-2	Rausch, Lawrence 10708 Brinkwood Ave Las Vegas, NV 89134	49,936.00	Claim 10725-02476-2 is based on an investment in Marlon Square 2nd and is a duplicate of claim 10725-02476. The claim was erroneously filed twice. Claim 10725-02476 has been resolved per orders disallowing and allowing claims based on the Marlon Square 2nd loan.	10725-02476	49,936.00

<sup>1</sup>Claim may have been disallowed or allowed by order of this Court.

Proof of Claim Being Disallowed as Duplicate	Claimant's Name and Address	Duplicate Claim Amount	Basis for Objection	Processed Claim Number <sup>1</sup>	Processed Claim Amount <sup>1</sup>
10725-02479-2	Rausch, Lawrence 10708 Brinkwood Ave Las Vegas, NV 89134	50,083.00	Claim 10725-02497-2 is based on an investment in Beau Rivage Homes/\$8,000,000 and is a duplicate of claim 10725-02479. The claim was erroneously filed twice. Claim 10725-01965 has been resolved per orders disallowing claims based on the Beau Rivage Homes/\$8,000,000 loan.	10725-02479	50,083.00
10725-02533-2	The Thomas D Lynch 1995 Revocable Living Trust C/O Thomas D Lynch Trustee 1011 Armadillo Ct Henderson, NV 89015-9446	8,773.73	Claim 10725-02533-2 is based on an investment in Roam Development and is a duplicate of claim 10725-02533. The claim was erroneously filed twice. Claim 10725-02533 has been resolved per orders disallowing claims based on the Roam Development loan.	10725-02533	8,773.73

<sup>1</sup>Claim may have been disallowed or allowed by order of this Court.